

ASSEMBLY, No. 5634

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED JUNE 18, 2019

Sponsored by:

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Co-Sponsored by:

Assemblyman Karabinchak

SYNOPSIS

Directs DEP to establish program prohibiting discharge of preproduction plastics into State waters.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/15/2019)

1 AN ACT concerning the discharge of preproduction plastic material
2 into the waters of the State, and supplementing Title 58 of the
3 Revised Statutes.

4

5 BE IT ENACTED by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. The Legislature finds and declares that the discharge of
9 plastic and products made of plastic into the waters of the State is
10 part of an increasing national and international problem
11 jeopardizing marine life and wildlife; that thermoplastic resin
12 pellets, plastic powders, and plastic production scrap is a significant
13 part of this discharge; that resin pellets, plastic powders, and plastic
14 production scrap can be mistaken as food by marine life and
15 wildlife; that an estimated 60 billion pounds of resin pellets are
16 manufactured annually in the United State alone; and that curtailing
17 the discharge of preproduction plastics into the waters of the State
18 could importantly contribute to the protection of the environment,
19 marine life, and wildlife from the proliferation of plastic waste in
20 the environment.

21 The Legislature therefore determines that the State shall join
22 efforts in California by curtailing, within the State's jurisdiction,
23 the discharge of preproduction plastics through a Department of
24 Environmental Protection program to prohibit point and nonpoint
25 sources of the discharge of preproduction into State waters.

26

27 2. a. The Department of Environmental Protection shall develop
28 and implement a program to control and prohibit the discharge of
29 preproduction plastic into the waters of the State from point and
30 nonpoint sources.

31 b. At a minimum, the program shall require:

32 (1) control measures that include waste discharge, monitoring,
33 and reporting requirements that target plastic manufacturing, plastic
34 products manufacturing, plastic product handling, and
35 transportation facilities;

36 (2) plastic manufacturing, plastic products manufacturing, plastic
37 product handling, and transportation facilities to implement best
38 management practices for the control of preproduction plastic
39 discharges, as established by the department; and

40 (3) the incorporation of best management practices into permits
41 issued pursuant to P.L.1977, c.74 (C.58:10A-1 et seq.) to plastic
42 manufacturing, plastic products manufacturing, plastic product
43 handling, and transportation facilities.

44 c. The Department of Environmental Protection shall adopt,
45 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
46 (C.52:14B-1 et seq.), rules and regulations necessary for the
47 implementation of this act.

1 d. For the purposes of this section:

2 “Department” means the Department of Environmental
3 Protection.

4 “Preproduction plastic” means plastic pellets, powders, scrap, or
5 other plastic materials used in the production of products made out
6 of plastic. The term “preproduction plastic” shall include any
7 materials known or referred to as nurdles, plastic powders, plastic
8 production scrap, resin pellets, and thermoplastic resin pellets.
9

10 3. This act shall take effect immediately.
11
12

13 STATEMENT
14

15 This bill directs the Department of Environmental Protection
16 (DEP) to develop and implement a program to control and prohibit
17 the discharge of preproduction plastic into the waters of the State
18 from point and nonpoint sources. The bill specifies that, at a
19 minimum, the program shall require:

20 (1) control measures that include waste discharge, monitoring,
21 and reporting requirements that target plastic manufacturing, plastic
22 products manufacturing, plastic product handling, and
23 transportation facilities;

24 (2) plastic manufacturing, plastic products manufacturing, plastic
25 product handling, and transportation facilities to implement best
26 management practices for the control of preproduction plastic
27 discharges, as established by the department; and

28 (3) the incorporation of department best management practices
29 into permits issued pursuant to P.L.1977, c.74 (C.58:10A-1 et
30 seq.) to plastic manufacturing, plastic products manufacturing,
31 plastic product handling, and transportation facilities.

32 The bill defines “preproduction plastic” as any plastic pellets,
33 powders, scrap, or other plastic materials used in the production of
34 products made out of plastic. The term “preproduction plastic”
35 would include any materials known or referred to as nurdles, plastic
36 powders, plastic production scrap, resin pellets, and thermoplastic
37 resin pellets.

38 Finally, the bill directs the DEP to adopt any rules or regulations
39 necessary for the implementation of the bill’s provisions.